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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,455

02/23/2004

Michael A. Rowe

128.1045PAT

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FASTH LAW OFFICES (ROLF FASTH)  
26 PINECREST PLAZA, SUITE 2  
SOUTHERN PINES, NC 28387-4301

EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

06/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,455	<b>Applicant(s)</b> ROWE, MICHAEL A.	
	<b>Examiner</b> Evan H. Langdon	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/27/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

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## DETAILED ACTION

### *Claim Objections*

Claim 13 is objected to because of the following informalities:

In regards to claim 13, line 4, "surfaces (27)<sub>T</sub>" is objected to. The 'T' should be deleted.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui (US 6,619,432) in view of Watanabe et al (US 5,547,065).

Yasui discloses an arrangement for the axial driving of a supply hose comprising three driving wheels 40a, 40b, 55 where at least one driving wheel 40a, 40b is driven by driving means 7 and where each driving wheel 40a, 40b, 55 has surface congruent with the supply hose 200, 100 where the surface surrounds the supply hose.

Watanabe teaches the axial driving of a supply hose comprising driving wheels 14, 3 having concave jacket surfaces 17, 9 that surround at least 100 degrees of the circumference of the supply hose.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drive wheel surface of Yasui to include concave jacket surfaces as suggested by Watanabe, to insure a better engagement with the supply hose.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from prior art apparatus satisfying the claimed structural limitations. *Ex parte masham*, 2 USPQ 2d 1647 (1987).

In regards to claim 2, Yasui as modified by Watanabe teaches the wheels are in physical contact with each other in such a manner 12a, 12b that there arises indirect driving of the other driving wheels driven by the first wheel.

In regards to claim 3, Yasui as modified by Watanabe teaches the outer surfaces of the jacket surfaces comprise teeth 10 (Watanabe) to interact with the neighboring drive wheel.

In regards to claim 5, Yasui as modified by Watanabe teaches where the contact pressure between the drive wheels and the supply hose is spring biased 63.

In regards to claim 6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either a spring or a pneumatic cylinder.

In regards to claim 7, Yasui as modified by Watanabe teaches the hose comes from a supply reel (Yasui).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui as modified by Watanabe teaches as applied to claims 1 and 2 above, and further in view of Noda (US 4,427,162).

Noda teaches using rubber with a high friction factor instead of sprockets, teeth or chain wheels (col. 5 lines 33-47, Fig. 5).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the jacket surfaces of Yasui as modified by Watanabe to include a high friction surface as suggested by Noda, to provide a smoother engagement.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui as modified by Watanabe teaches as applied to claims 1 and 2 above, and further in view of Taitel et al. (US 3,904,147).

Taitel teaches a pulley 18 located at the center of center of a magazine 15, which pulley is fixedly arranged relative to the magazine and rotates the magazine to which pulley a tension strap 19 is attached, where the tension strap 19 passes over a spring element 24 and is fixedly attached at its outer end in a fixture 20 fixed in space.

It has been held that the functional “whereby” statement does not define and structure and accordingly cannot serve to distinguish the claim over the prior art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the supply reel of Yasui as modified by Watanabe to include a tension control as suggested by Taitel, to control the supply material as it is wound and unwound.

In regards to claim 9, Yasui as modified by Watanabe and Taitel teaches the spring element 24 has a low force level when the hose magazine rolls in the dispensing direction and a high force level when the hose magazine rolls in a collection direction (Taitel, col. 2, line 42 to col. 3 line 13).

In regards to claim 10, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either a spring or a pneumatic cylinder.

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In regards to claims 11-12, the Examiner takes official notice that a scraper arranged between the driving wheels and the guide tube would have been obvious to one having ordinary skill in the art at the time the invention was made.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'E. Langdon', with a stylized flourish at the end.

Evan Langdon  
Patent Examiner

6/4/07